

3. (Amended) A bone growth composition for implantation into a mammal, comprising:
- (a) a substrate;
  - (b) a bone growth protein; and,
  - (c) a salt composition consisting essentially of one or more acidic calcium phosphate salts,

wherein the composition, when implanted into a mammal, buffers the immediate physiological environment around the composition to a pH between about 4 and about 7.

Please add new claims 24-30 as follows.

24. (New) A bone growth composition, comprising:

- (a) a substrate;
- (b) a bone growth protein;
- (c) a source of calcium; and,
- (d) a source of phosphate,

wherein the pH of a solution initially having a physiological pH is lowered to less than 7 when the bone growth composition is placed in said solution.

- 12 25. (New) The bone growth composition of claim 24, wherein the pH of the solution initially having a physiological pH is lowered to between about 4 and about 7 when the bone growth composition is placed in said solution..

26. (New) The bone growth composition of claim 25, wherein the pH of the solution initially having a physiological pH is lowered to between about 5 and about 6.8 when the bone growth composition is placed in said solution.¶

27. (New) The bone growth composition of claim 25, wherein the pH of the solution initially having a physiological pH is lowered to between about 5.5 and about 6.7 when the bone growth composition is placed in said solution.

28. (New) A bone growth composition, comprising:

- (a) a substrate selected from the group consisting of collagen, fibrin, alginate and mixtures thereof;

(b) a bone growth protein selected from the group consisting of TGF- $\beta$  superfamily proteins; and

(c) an acidic calcium phosphate salt composition selected from the group consisting of calcium monophosphate, calcium hydrogen phosphate, calcium pyrophosphate, and mixtures thereof,

wherein the pH of a solution initially having a physiological pH is lowered to between about 5 and about 6.8 when the bone growth composition is placed in said solution.

29. (New) The bone growth composition of claim 28, wherein the acidic calcium phosphate salt composition consists essentially of calcium hydrogen phosphate, and wherein the pH of a solution initially having a physiological pH is lowered to between about 5 and about 6.8 when the bone growth composition is placed in said solution.

#### **REMARKS**

In the present Office Action, claims 1-8 and 10 have been considered. After entry of the amendment, claims 1-8, 10, and 24-29 remain for consideration. Pursuant to Applicants' restriction requirement election, claims 9 and 11-23 have been withdrawn from consideration. In the present Amendment, claims 2 and 3 have been amended. Support for the amendments is found at page 11, lines 8-13 of the specification. New claims 24-29 have been added. No new matter has been introduced by way of the present amendment.

#### **I. Rejections Under 35 U.S.C. § 112**

Claims 1-8 and 10 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to distinctly claim the subject matter which Applicants regard as their invention. The Examiner states that the term "acidic buffering potential" renders the claims unclear, and could mean either "that the composition tends to offer an acidic potential to the environment, or alternatively that the composition buffers an acidic environment (i.e., making the envicronment more basic)." Office Action at page 3 lines 8-12.

Applicants have added new claim 24, corresponding substantially to claim 1 but reciting, instead of an acidic buffering potential, that the composition is capable of buffering a physiological solution to an acidic pH. It is believed that claim 24 overcomes the rejection. However, Applicants respectfully traverse the Examiner's assertion in view of the extensive disclosure at page 11 of the specification defining the meaning of "acidic buffering potential" in the compositions of the present invention.